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EXAMINER

O HERN, BRENT T

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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1772

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,953

Applicant(s)

ZIEGLER ET AL.

Examiner

Brent T. O'Hern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 1-3 and 5-20 are pending with claim 4 cancelled and claim 20 non-elected.

WITHDRAWN OBJECTIONS

2. The objection to the **Specification** in the Office Action mailed 6 June 2006, page 2, paragraph 2 has been withdrawn due to Applicant's amendments in the Paper filed 7 October 2006.
3. The objection to the **Claims** in the Office Action mailed 6 June 2006, page 3, paragraphs 3-6 have been withdrawn due to Applicant's amendments in the Paper filed 7 October 2006.

WITHDRAWN REJECTIONS

4. The 35 U.S.C. 112, second paragraph rejections of claims 2, 4 and 12-14 of record in the Office Action mailed 6 June 2006, page 3, paragraph 6 have been withdrawn due to Applicant's amendments in the Paper filed 7 October 2006.
5. The 35 U.S.C. 102 rejections of claims 1-2, 4, 8-9 and 12-13 under 35 U.S.C. 102(b) as being anticipated by Kagi et al. (US 6,821,613) of record in the Office Action mailed 6 June 2006, page 5, paragraph 7 have been withdrawn due to Applicant's amendments in the Paper filed 7 October 2006.

REPEATED REJECTIONS

6. The 35 U.S.C. 102(b) rejections of claims 3, 5-7, 10-11, 14 and 19 as being anticipated by Kagi et al. (US 6,821,613) are repeated for the reasons of record in the Office Action mailed 6 June 2006, page 5, paragraph 7.

7. The 35 U.S.C. 103 rejections of claims 15-18 under as being obvious over Kagi et al. (US 6,821,613) are repeated for the reasons of record in the Office Action mailed 6 June 2006, page 9, paragraph 8.

EXAMINER'S NOTE

8. Throughout the claims Applicant has used the following terms:

- continuous fiber profile
- continuous fiber profiles
- continuous-fiber profile
- continuous-fiber profiles
- continuous-fiber-profiles
- continuous fiber-reinforcements

The Examiner interprets these terms as being equivalent and interchangeable. If Applicant does not intend for these terms to be equivalent then Applicant is advised to carefully review the claims and make amendments where necessary so as to reflect any distinctions and being careful to use proper antecedent basis.

Furthermore, Applicant has used both "long-fiber reinforced" and "long-fiber-reinforced". The Examiner interprets these terms as being equivalent and

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interchangeable. Like above, Applicant is advised to make any necessary amendments.

NEW REJECTIONS

9. Claims 1-2, 8-9 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kagi et al. (US 6,821,613).

Regarding claims 1-2, and 12, Kagi ('613) teaches a structural component made of long-fiber reinforced thermoplastic material with integrated continuous fiber-reinforcements (*col. 1, ll. 5-6, 29-34, col. 4, ll. 4-8 and FIG-8, #1*), the component comprising

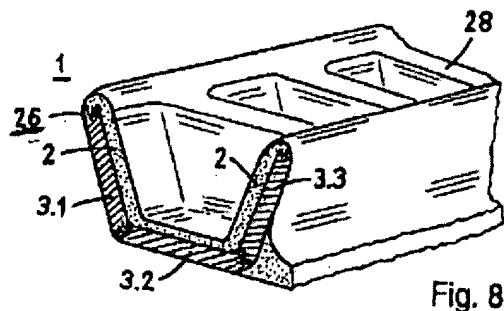


Fig. 8

at least three separate individually integrated, shaped continuous fiber profiles (*FIG-24(c) and FIG-8, multi horizontal and vertical profiles*);

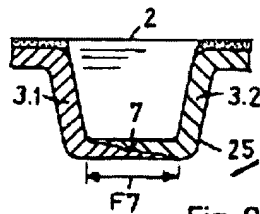


Fig. 24c

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the at least three continuous-fiber profiles extending into different directions and running together at a location (*FIG-24(c) and FIG-8, multi horizontal and vertical profiles forming a single structure*);

the at least three continuous-fiber profiles, at the location where they run together, defining a three-dimensionally developed intersection point (*FIG-24(c), #25, FIG-8, #1 and col. 11, l. 4*);

wherein at the intersection point at least a first continuous-fiber profile lies in an upper plane of the intersection point (*FIG-8 top rib portion of structure when turned on end*),

at least a second continuous-fiber profile lies a lower plane of the intersection point (*FIG-8 bottom rib portion of structure when turned on end*), and

wherein at least a third continuous-fiber profile with a vertical extension extends continuously between the first and second continuous-fiber profiles (*FIG-8 the profile connecting the upper and lower planes*);

wherein the continuous-fiber profiles are joined together by the long-fiber-reinforced thermoplastic material at the intersection point (*FIG-24(c), FIG-8 and col. 5, l. 37*).

The phrase “**characterized in that shapes of the long-fiber-reinforced thermoplastic material, or shapes of the continuous-fiber profiles are forming points of introduction of external force**” in claim 2, lines 1-4 is not given any patentable weight since the applicant is introducing **use limitations** and non-structural

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functional language into the product claims (*see MPEP 2173 (q)*) and (*See MPEP 2173.05(g)*).

The phrase “**characterized in that continuous-fiber profiles are extending between points of introduction of external force**” in claim 12, lines 1-3 is not given any patentable weight since the applicant is introducing non-structural **functional language** into the product claims (*See MPEP 2173.05(g)*).

Regarding claim 8, Kagi ('613) teaches a component characterised in that the thermoplastic material of the long-fiber-reinforced thermoplastic mass and of the continuous-fiber - profiles consists of partially crystalline polymers selected from the set consisting of polypropylene, polyethylene-terephthalate, polybutylene-terephthalate and polyamide (*See claim #7 of Kagi ('613)*).

Regarding claim 9, Kagi ('613) teaches a component characterised in that the continuous-fiber profiles comprise a three-dimensional profile shape (*FIG-24(c)*, #25 and col. 11, l. 4).

Regarding claim 13, Kagi ('613) teaches a component characterised in that a continuous- fiber - profile with a positioning shoulder, a tensile - and compressive force zone on top and underneath as well as a thrust zone in between is formed, which is positioned in a rib or in a crimp wall of the structural component, and wherein the tensile and compressive force zones are thicker than the thrust zone (*See various configurations and shapes in FIG-24(c), FIG-8 and col. 9, ll. 40-63.*).

ANSWERS TO APPLICANT'S ARGUMENTS

10. In response to Applicant's argument (*p. 8, para. 3 to p. 9, para. 1 of Applicant's Paper filed 7 October 2006*) that Kagi ('613) does not disclose three separate continuous-fiber-profiles extending into different directions and running together at an intersection point of amended claim #1, it is noted that Kagi ('613) teaches at least three separate individually integrated, shaped continuous fiber profiles (*FIG-24(c) and FIG-8, multi horizontal and vertical profiles*); the at least three continuous-fiber profiles extending into different directions and running together at a location (*FIG-24(c) and FIG-8, multi horizontal and vertical profiles forming a single structure*); the at least three continuous-fiber profiles, at the location where they run together, defining a three-dimensionally developed intersection point (*FIG-24(c), #25, FIG-8, #1 and col. 11, l. 4*).

11. In response to Applicant's argument (*p. 9, para. 2 of Applicant's Paper filed 7 October 2006*) that FIG-8 of Kagi ('613) teaches one single profile, it is noted that FIG-8 of Kagi ('613) teaches at least three profiles as depicted by the multi horizontal and vertical sub structures of FIG-8.

12. In response to Applicant's argument (*p. 9, para. 3 of Applicant's Paper filed 7 October 2006*) that FIG-24(c) of Kagi ('613) teaches one three-dimensional U-shaped profile extending in one direction, it is noted that FIG-24(c) of Kagi ('613) teaches at least three profiles extending in different direction, as depicted by the multi horizontal and vertical sub structures of FIG-24(c).

13. In response to Applicant's argument (*p. 9, para. 4 of Applicant's Paper filed 7 October 2006*) that Kagi ('613) does not teach a three-dimensionally developed

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intersection point, it is noted that Kagi ('613) teaches a three-dimensionally developed intersection point (*See FIG-24(c), #25, FIG-8, #1 and col. 11, l. 4.*).

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

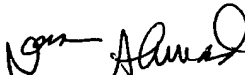
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTO

Brent T O'Hern
Examiner
Art Unit 1772
November 24, 2006


NASSER AHMAD
PRIMARY EXAMINER 11/27/06